

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

Use of Video News Releases by Broadcast	)	MB Docket No. 05-171
Licensees and Cable Operators	)	
	)	
	)	

**REPLY COMMENTS OF  
THE RADIO-TELEVISION NEWS DIRECTORS ASSOCIATION**

The Radio-Television News Directors Association (“RTNDA”), by its attorneys, hereby submits its reply to the comments filed in response to the Public Notice issued by the Federal Communications Commission (“FCC” or “Commission”) in the above-captioned proceeding.<sup>1</sup> RTNDA’s own initial comments asserted that the Commission should refrain from expanding its authority over news programming by attempting to govern the use of Video News Releases (“VNRs”) by broadcast licensees and cable operators. The record amply demonstrates that there is no need to alter the current regulatory regime to address any particular concerns about VNR use.

The only parties advocating new rules, The Center for Media and Democracy and Free Press (collectively, “CMD”), assert that “all VNRs, whether funded by government or private sources, should carry a continuous, frame-by-frame visual notification of their source,” on

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<sup>1</sup> *Commission Reminds Broadcast Licenses, Cable Operators and Others of Requirements Applicable to Video News Releases and Seeks Comment on the Use of Video News Releases by Broadcast Licenses and Cable Operators*, Public Notice, MB Docket No. 05-171, FCC 05-84 (rel. Apr. 13, 2005) (the “Notice”).

prepackaged news stories as well as on B-roll. CMD purports to speak for journalists, declaring that such a requirement imposes no additional “burdens” on broadcast newsrooms.

To the contrary, adoption of such a requirement would impose a profound burden on broadcasters and cablecasters by interfering directly with their editorial discretion. Consistent with the First Amendment, these journalists must remain free to make news judgments about whether to use VNRs, how to use them, and how to source them. The types of disclosures deemed appropriate in a newsroom’s private editorial judgment may vary depending on the nature of the use and how it fits into the overall newsgathering and presentation of a particular story. In our democratic society, it is axiomatic that decisions concerning how to contextualize a story, inform the audience, or otherwise present news programming be left to journalists, not dictated by the government.

CMD relies primarily on press articles concerning the recent VNR controversy to support its contention that government intervention is warranted.<sup>2</sup> The record in this proceeding demonstrates, however, that the use of prepackaged news stories or unidentified audio and video from government agencies is not the widespread practice these reports suggest. Moreover, rather than bolstering CMD’s case, the studies it cites acknowledge that data about actual VNR use is difficult to obtain, and underscore RTNDA’s finding that the most common use of VNR material is as a video component in a station’s own story about an issue, not “as is.”<sup>3</sup>

Indeed, CMD offers no evidence whatsoever that VNR use has resulted in the kind of consistent and deliberate “falsified, distorted or suppressed news” that may, in certain *limited*

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<sup>2</sup> *Comments of Center for Media and Democracy, Free Press*, filed June 22, 2005 at 4.

<sup>3</sup> See Anne R. Owen and James A. Karrh, “Video News Releases: Effects on Viewer Recall and Attitudes,” *Public Relations Review*, Vol 22, pp 369-78 (1996); Mark D. Harmon and Candace White, “How Television News Programs Use Video News Releases,” *Public Relations Review*, Vol 27, pp 213-22 (2001).

cases, constitutionally permit the FCC to enter into broadcast newsrooms to scrutinize the editorial process. VNR producers, distributors, public relations professionals and electronic journalists have detailed for the Commission the significant steps they have taken to ensure that the public is fully and accurately informed. Given the record in this proceeding, and consistent with our constitutional framework, it is clear that the Commission should not impose further regulation or interpret Section 317 so as to inhibit news sources or otherwise interfere with the editorial discretion of electronic journalists.

Respectfully submitted,  
**RADIO-TELEVISION NEWS DIRECTORS  
ASSOCIATION**

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